BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)	
)	Case No. 16-154
Brianne Alexandra Knight)	
)	

SUMMARY ORDER OF DENIAL

NOW on this day of November, 2016, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the application of Brianne Alexandra Knight (the "Applicant") for registration as a Kansas pharmacy technician.

Pursuant to the authority granted to the Board by the Kansas Pharmacy Act, K.S.A. 65-1625, et seq., and in accordance with the Kansas Administrative Procedure Act, K.S.A. 77-501, et seq., the Board's Investigation Member enters this Summary Order of Denial in the above-captioned matter. After reviewing the application materials and being otherwise duly advised in the premises, makes the following findings, conclusions and order.

FINDINGS OF FACT

For purposes of this order, the Board's Investigative Member makes the following findings of fact:

- 1. On or about August 5, 2016, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").
- 2. As part of Applicant's Application she answered "Yes" to the questions: "Have you ever been convicted of (includes plea of guilty or no contest) a criminal offense or is there any criminal charge pending against you (other than minor traffic violations) in any state or federal court whether or not a sentence was imposed, suspended, or diverted? This includes

misdemeanors." and "Have you ever been convicted of (includes plea of guilty or no contest) or

charged with a violation of any federal or state drug law(s) or rule(s) whether or not a sentence

was imposed, suspended, or diverted?". The application form directs that if the applicant

answers yes to any of the above questions, the applicant "must attach Form S-150: Personal

History."

3. Within Applicant's Form S-150, Applicant details a plea of guilty on January 9,

2015 to Sell/Offer for Sell/Use/Possess W/ Intent to Use a Simulated Controlled Substance or

Paraphernalia, whereas Applicant was sentenced to pay a fine and serve one-year probation.

4. The background report provided to the Board by the Kansas Bureau of

Investigation ("KBI") reports that on or about November 30, 2015, Applicant was arraigned in

Municipal Court of Belton, Missouri, on one count of possession of marijuana, which was

dismissed by the state, and one count of possession of drug paraphernalia", to which Applicant

plead guilty and was sentenced to pay a fine.

5. The KBI background report also reports that on or about January 9, 2015,

Applicant was convicted of possession of depressants/stimulants/hallucinogenic/anab steroids",

classified as a level 4 felony, and was sentenced to one-year probation.

6. As part of Applicant's Application, she certified that the information provided

was true, correct and complete and that she understood that withholding relevant information

was grounds for denying her application.

CONCLUSIONS OF LAW

7. That pursuant to K.S.A. 65-1663, the Board may limit, suspend, or revoke a

registration or deny an application for issuance or renewal of any registration as a pharmacy

technician on any ground which would authorize the board to take action against the license of

a pharmacist under K.S.A. 65-1627, and amendments thereto.

8. That pursuant to K.S.A. 65-1627(a)(2), the board may deny registration if the

licensee has been convicted of a felony and... fails to show sufficient rehabilitation to warrant

the public trust.

9. That pursuant to K.S.A. 65-1627(a)(3), the board may deny registration if the

applicant is found by the board to be guilty of unprofessional conduct.

10. That pursuant to K.S.A. 65-1626(ccc)(1), unprofessional conduct means fraud in

securing a registration or permit.

11. That pursuant to K.S.A. 65-1626(ccc)(5), unprofessional conduct means

unlawful possession of drugs.

12. That pursuant to K.S.A. 65-1626(ccc)(7), unprofessional conduct means conduct

likely to deceive, defraud, or harm the public.

13. Applicant's omission of multiple incidents, convictions for both felony and

misdemeanor possession of drugs, and offering no evidence to show any rehabilitation to

warrant the public trust, is a basis to deny Applicant's Application for failure to comply with

K.S.A. 65-1627(a)(2) and (a)(3).

<u>ORDER</u>

Based upon the foregoing findings of fact and conclusions of law, Applicant's

Application is hereby DENIED.

NOTICES

Applicant is hereby notified as follows:

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- 14. Applicant may request a hearing pursuant to the Kansas Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy, 800 SW Jackson, Suite 1414, Topeka, KS 66612-1231 within fifteen (15) days after service of this order.
- 15. If a hearing is not requested as described above, the Order denying Applicant's Registration as a pharmacy technician shall become a final order of the Board, effective upon the expiration of the time to request a hearing.
- 16. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.
- 17. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of a final agency order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

Alexandra Blasi, JD, MBA

Executive Secretary

Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the _____ day of November, 2016, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

BRIANNE ALEXANDRA KNIGHT 114 REDBUD LANE BELTON, MO 64012

Kansas Board of Pharmacy Staff